

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12
13

TERESA ANN MARTINEZ,

14 Plaintiff,

No. C 13-00319 WHA

15 v.

16 EXTRA SPACE STORAGE, INC., a
17 Maryland corporation, EXTRA SPACE
18 MANAGEMENT, INC., a Utah corporation,
19 and DOES 1 through 100, inclusive,

20 **ORDER TO SHOW CAUSE**

21 Defendant.

22
23
24
25
26
27
28

On December 16, 2013, an order issued setting forth the protocol the parties were to follow in determining the amount of attorney's fees to be awarded against plaintiff Martinez. The first step required defendants to file a declaration of costs associated with plaintiff's failure to appear for deposition in this action. Defendants submitted said declaration on December 30 (Dkt. No. 132). Plaintiff's counsel was then to submit an opposition to this declaration if he doubted its accuracy. No opposition was filed.

Defendants now state that before the deadline to file an opposition had passed, plaintiff's counsel indicated that no opposition would be filed; and that after the deadline passed defendants' counsel confirmed with plaintiff's counsel that the decision not to file an opposition was purposeful. Defendants request a final award to be entered in the amount of \$10,813.50 (Dkt. No. 134).

1 The Court is inclined to enter an order for that amount, however, plaintiff's counsel
2 should respond by declaration, under oath, as to why he should not be held personally
3 responsible for the award. The Court is concerned that plaintiff's counsel in agreeing to the
4 figure has failed to adequately consult with his client and to check whether Ms. Martinez wishes
5 to be saddled with this obligation. Counsel may address this point in his declaration as well.
6 Plaintiff's counsel should file this declaration **BY TUESDAY, FEBRUARY 4, 2014.**

IT IS SO ORDERED.

Dated: January 28, 2014.

Wm. Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE